

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANIEL G. PERKINS,

Petitioner,

v.

DOUG WADDINGTON,

Respondent.

Case No. C05-5247FDB

ORDER DENYING CERTIFICATE  
OF APPEALABILITY

Petitioner moves for a certificate of appealability. As the Court adopted the Magistrate Judge's Report and Recommendation that this matter was time barred and procedurally barred, this is not a matter about which reasonable jurists could differ. ACCORDINGLY,

IT IS ORDERED: Petitioner's Motion for A Certificate of Appealability [Dkt. # 9] is DENIED.

DATED this 31<sup>st</sup> day of August, 2005.

  
FRANKLIN D. BURGESS  
UNITED STATES DISTRICT JUDGE